

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

To:

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NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of mailing (day/month/year) 11.01.2005	
Applicant's or agent's file reference 702649PCT	IMPORTANT NOTIFICATION
International application No. PCT/CA 03/01240	International filing date (day/month/year) 20.08.2003
Priority date (day/month/year) 20.08.2002	
Applicant INTIER AUTOMOTIVE CLOSURES INC.	

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

Name and mailing address of the international preliminary examining authority:



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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)



Applicant's or agent's file reference 702649PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/CA 03/01240	International filing date (day/month/year) 20.08.2003	Priority date (day/month/year) 20.08.2002
International Patent Classification (IPC) or both national classification and IPC E05B65/12		
Applicant INTIER AUTOMOTIVE CLOSURES INC.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
 - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 4 sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 18.03.2004	Date of completion of this report 11.01.2005
Name and mailing address of the international preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Westin, K Telephone No. +31 70 340-2635 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/CA 03/01240

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-4, 8-10	as originally filed
5-7	received on 06.12.2004 with letter of 26.11.2004

Claims, Numbers

5 (part), 6-11	as originally filed
1-4, 5 (part)	received on 06.12.2004 with letter of 26.11.2004

Drawings, Sheets

1/11-11/1	as originally filed
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2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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EXAMINATION REPORT**

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-11
	No: Claims	
Inventive step (IS)	Yes: Claims	1-11
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-11
	No: Claims	

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

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Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following documents:

D1: EP 1 178 172 A,

D2: DE 44 47 687 A,

D3: DE 197 13 864 A.

2. In claim 1 "first and second articulated levers" are defined. Under the present wording it is not explicitly defined with respect to which other element(s) the respective lever is articulated. From the whole application it is however clear, that these levers are intended to be articulated with respect to each other, and for clarity reasons (Article 6 PCT) this should have been further specified in claim 1. For the following examination such a clarification has been taken into consideration, and claim 1 has thus been interpreted as including first and second levers articulated to each other in such a way as to move in unison in both rotational directions.

3. Document D1 discloses an actuator for a latch, comprising: first and second levers 20,16, wherein said first lever 20 includes at least one cam follower (slot 64) and said second lever 16 includes at least one stop member 48A,50A which pivots between first and second positions as each said lever travels between first and second positions; a cam 14 having at least one cam driving member 70 and at least one cam stop member 38,40; a power actuator operatively engaging said cam effecting driving movement of said cam (§0009); said at least one cam driving member 70 having a path of travel which is in engaging alignment with said at least one cam follower for a portion of said travel (figure 13) and is in disengaging alignment with said at least one cam follower for another portion of said travel (figure 14); wherein said at least one cam stop member abuts said at least one lever stop member when said at least one cam driving member is in said non-aligned position whereby said levers may be activated without driving said cam (§0034-0036).

3.1 An actuator according to claim 1 differs from an actuator according to D1 in that the first and second levers are articulated to each other (see interpretation in §2.1 above).

3.2 The subject-matter of claim 1 is thus new with respect to this state of the art (Article 33(2) PCT).

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3.3 Furthermore, in D1 the two levers 20 and 16 are only in brief camming contact with each other during a short part of the working cycle. To reconstruct the actuator of D1 in order to connect the levers 20 and 16 would require major constructional changes and would change the fundamental functioning of the device. Starting from document D1 the skilled person would thus not arrive at an actuator according to claim 1 without inventive skill (Article 33(3) PCT).

3.4 In D2 one of the pins 8 performs the function of cam follower while the second pin works as cam stop member. The lever 6 is thereby partially a "first" and partially a "second" lever according to claim 1 of the present application. The last feature of claim 1 can also be found in D2, col.3, l.44 - col.4, l.2. Furthermore, this passage of D2 describes goal/problems which are very similar to what is described on page 1 of this application. The "partial levers" are however different parts of a single rigid piece and are thus not articulated with respect to each other. Hints in the direction of such a reconstruction of D2 do not appear to be present in this document, such that an actuator according to claim 1 must be considered as non-obvious also with respect to this state of the art.

3.5 In document D3 a construction similar to D2 is shown. The lever 14 is however split in "first" and "second" lever-halves. It is a fundamental feature of this construction, that the two lever halves can move relative to each other, thus it does not appear to be obvious to replace this construction by two levers, articulated to each other and moving in unison.

3.6 The subject-matter of claim 1 consequently seems to be inventive in the sense of Article 33(3) PCT.

4. Claims 2-11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.